ORDINANCE NO 2451

AN ORDINANCE OF THE CITY OF REDMOND. ADOPTING WASHINGTON, FINDINGS CONCLUSIONS. APPROVING SHORT-TERM Α TEMPORARY USE PERMIT FOR METRO/KING COUNTY TRANSIT USE OF A TEMPORARY PARKING LOT ON THE CITY'S MUNICIPAL CAMPUS FOR DISPLACED PARK AND RIDE USERS, AND ESTABLISHING AN EFFECTIVE DATE, CITY FILE NO L090043

WHEREAS, Ordinance No 2368 of the City of Redmond, passed by the City Council on November 5, 2007, approved a long-term temporary use permit for King County Transit to use an existing temporary paved area on the Redmond Municipal Campus for temporary parking for displaced Park-and-Ride users while the Downtown Park-and-Ride Garage is completed, and

WHEREAS, the permit approved by Ordinance No 2368 is set to expire on March 31, 2009, and

WHEREAS, due to weather and scheduling changes, construction of the Downtown Park-and-Ride Garage is not going to be completed by March 31 and is currently anticipated to be completed sometime in June 2009, and

WHEREAS, King County Transit has therefore applied for a short-term temporary use permit in order to continue using the temporary paved area, which is located in the northeast corner of the Redmond Municipal Campus between 160th Avenue NE and the Redmond Municipal Parking Garage until July 31, 2009, or until the Downtown Park-and-Ride Garage is completed, and

WHEREAS, the temporary parking lot was formerly the site of a public sculpture park and the City Council expressly conditioned the long-term temporary use permit granted by Ordinance No 2368 upon restoration of the sculpture park at the expiration of the permit and upon all money generated by the City's lease with King County Transit being used for such restoration, and

whereas, the Redmond Arts Commission has recently discussed restoration of the sculpture park and has concluded that it would not recommend doing so, but would support maintaining the area as open space, and

WHEREAS, the Redmond City Council wishes to consider the Arts Commission's recommendation and has therefore determined not to impose this condition on the short-term temporary use permit, and

WHEREAS, short-term temporary use permits are ordinarily Type I permits that may be granted by the Technical Committee, but given that the City Council approved the long-term temporary use permit for King County Transit and given that this permit involved further use of an important City property, the Technical Committee has forwarded the matter to the City Council for action, and

WHEREAS, the Redmond City Council conducted an open record public hearing on the proposed short-term temporary use permit on March 17, 2009, and

WHEREAS, after considering all testimony received and the administrative record herein, the Council has determined to approve the permit

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF REDMOND, WASHINGTON, DO ORDAIN AS FOLLOWS

Section 1 Classification This is a non-code ordinance

Section 2 Findings, Conclusions, and Conditions of Approval After carefully reviewing the record and considering the evidence and arguments in the record and in the Technical Committee's recommendation, the City Council hereby adopts the findings, analysis, and conclusions in the Technical Committee's recommendation for the King County Transit Short-Term Temporary Use Permit, City File No L090043, dated March 17, 2009 All monies received by the City from leasing the property to King County Transit shall be held and not expended until the City Council makes a final decision on whether or not to restore the sculpture park

Section 3 Approval The City Council hereby approves the King County Transit Short-Term Temporary Use Permit The permit shall automatically expire July 31, 2009, or upon

completion of the Downtown Park-and-Ride Garage, whichever occurs sooner

Section 4 Severability If any section, sentence, clause, or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance

Section 5 Effective Date This ordinance shall take effect and be in full force five (5) days after passage and publication of an approved summary consisting of the title

ADOPTED by the Redmond City Council this 17th day of March, 2009

CITY OF REDMOND

ATTEST

MICHELLE M

(SEAL)

APPROVED AS TO FORM

OFFICE OF THE CITY ATTORNEY

HANEY,

FILED WITH THE CITY CLERK March 11, 2009 PASSED BY THE CITY COUNCIL

March 17, 2009 March 17, 2009 SIGNED BY THE MAYOR

March 23, 2009 PUBLISHED

EFFECTIVE DATE March 28, 2009

ORDINANCE NO 2451

PASSED (5-2) YES Carson Cole McCormick Myers and Vache NO Allen and Margeson